THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.28169 OF 2007

Date: 28.12.2007

Between:

T.Kumar Reddy

. . .Petitioner

AND

The Rayachoti Municipality

. . .Respondent

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.28169 OF 2007

ORDER:

This writ petition is filed for a writ of mandamus to quash notice, dated 18.12.2007 issued by the respondent whereby the petitioner is directed to remove the chicken stall being run by him by the side of Ramalayam.

Heard Sri S.S.Bhatt, learned counsel for the petitioner and Sri S.I.Newton, learned counsel representing the respondent municipality.

A perusal of the impugned notice shows that the petitioner is running a chicken stall in Ward No.23 of Kothapeta Road near Ramalayam and that residents of the said area have submitted written representations to remove the said stall, as it is creating unhygienic conditions affecting the health of the residents of the area. The petitioner is, therefore, called upon to remove the stall within three days from the date of receipt of the notice.

Learned counsel for the petitioner strenuously contended that the respondent by the impugned order, though styled as notice, directed the petitioner to remove the chicken stall within three days and that the said order is not preceded by a notice and an opportunity to the petitioner.

Sri S.I.Newton, learned Standing Counsel for the respondent fairly admitted that the impugned proceedings are not preceded by a notice.

Since the impugned order results in adverse civil consequences

to the petitioner, the same ought not to have been passed by the respondent without giving a reasonable opportunity of hearing to the petitioner. In view of the same, the impugned order is set aside. The respondent is directed to issue an

action-oriented notice and after hearing the petitioner in person and considering his objections, the respondent may pass an order.

The writ petition is accordingly allowed.

C.V.NAGARJUNA REDDY, J

28th DECEMBER, 2007

Note: issue operative portion by wire
at party's costs.

B/o

kvni